IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 45 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RUPABHAI CHOTHABHAI PAGI

Versus

NURIBEN RAGHABHAI GANCHI VORA D/O LAXMIBEN PANA

Appearance:

1. Appeal from Order No. 45 of 1997

MR DD VYAS for Petitioner No. 1

Mr.N.K.PAHWA for M/S THAKKAR ASSOC. for Respondent No. 1

..... for Respondent No. 2,3-4

NOTICE SERVED for Respondent No. 2/1-2/2,5-6

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 06/09/2001

ORAL JUDGEMENT

1. This Appeal is arising out of the impugned order passed by the trial Court below Exh.5, whereby the learned trial Judge has rejected the Application Ex.5 and vacated the ex-parte order of status-quo. This is an Appeal of 1997, wherein order of status-quo granted earlier by the trial Court was ordered to continue till the final disposal of this matter. The same is continued till today.

2. It was stated at the Bar by Senior Advocate Shri D.D.Vyas that in the instant case evidence is already over before the trial Court in the Suit and the matter is kept for argument on 13.9.2001. In that view of the matter I am of the considered opinion that without going into the legality or validity of the impugned order which is under challenge in this Appeal from Order, the matter can be disposed of by directing the trial Court to decide the Suit as early as possible after hearing the arguments advanced by the learned counsel for the parties, and till then the order of status-quo granted earlier to continue.

3. Accordingly, this Appeal is disposed of by directing the trial Court to decide the Suit as early as possible, preferably within 3 months from today, provided the parties fully co-operate with the trial of the case, and till then the status-quo granted earlier to continue. It is clarified that whatever observations are being made by the learned trial Judge, while deciding the application Ex.5, shall not come in the way of the parties. It goes without saying that the learned trial Judge has to decide the case before him under the evidence led before him.

With above observations and directions this Appeal from Order is disposed of.

sd/-

Date : September 06, 2001 (B. J. Shethna, J.)

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